IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal No. 302 of 2005
in
Notice of Motion No. 263 of 2005
in
Suit No.288 of 2005

Franco Indian Pharmaceuticals
Pvt.Ltd. ..Appellants

vs.

1.Lupin Ltd. and anr. ...Respondents

Dr.Virendra Tulzapurkar with Mr.Mahesh Mhadgut for appellants.
Mr.Shyam Diwan with Mr.Manish Saurashtri i/b M/s Shantilal and Co. for respondents.

CORAM: A.P.SHAH &
S.J.VAZIFDAR JJ.
20th April, 2005

P.C.

1. We have heard the learned Counsel appearing for the parties. We have also perused the records of the case.

2. Having regard to the fact that the notice of motion is still pending before the learned single Judge and also having regard to the fact that descrition exercised by the learned single Judge cannot be said to be based on no principle or completely perverse we are not inclined to interfere with the order of the learned single Judge at this stage. We request the learned single Judge to expedite the hearing of the notice of motion.

3. All contentions on merits are left open to the parties.

4. Appeal is dismissed.